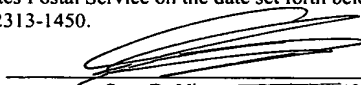


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Date of Signature and Deposit: November 25, 2003


Sara D. Vinarov, Reg. No. 48,524

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Eric W. Triplett
Thomas C. Herlache

Date: November 25, 2003

Serial No.: 09/927,616

Group Art Unit: 1645

Filed: August 10, 2001

Examiner:

Title: BIOLOGICAL CONTROL OF CROWN
GALL DISEASE

File: 960296.97273

PETITION UNDER 37 C.F.R. 1.78 (a)(6) TO ACCEPT AN UNINTENTIONALLY
DELAYED CLAIM OF PRIORITY FOR THE BENEFIT OF
A PRIOR-FILED PROVISIONAL APPLICATION

Mail Stop Petitions
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On August 10, 2001, applicants filed the above-identified application and unintentionally omitted the cross-reference information claiming the benefit of the prior-filed U.S. Provisional Serial Application No. 60/224,929 filed August 11, 2000. Applicants, respectfully Petition herein for the Office to accept this unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional application. As such, accompanied herewith this Petition are the requisite papers:

- (1) The reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5) to the prior-filed provisional application in a Preliminary Amendment as provided;
- (2) The surcharge set forth in 37 CFR 1.17(t); and
- (3) A statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

12/02/2003 SSANDARA 00000020 170055 09927616

01 FC:1454 1330.00 DA

REMARKS

Applicants respectfully submit that the delay in claiming priority to the prior-filed U.S. Provisional Serial Application No. 60/224,929 filed August 11, 2000 was unintentional and was only recently brought to the Applicants' attention. Accordingly, please accept this Petition, accompanied by the aforementioned papers.

Please charge the fee due, believed to be \$1,330.00 to Deposit Account No. 17-0055. If any extension of time is required in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fee to the Deposit Account No. 17-0055. No other fee is believed to be due in connection with this response. However, if any fee is due in this or any subsequent response, please charge the fee to the same Deposit Account No. 17-0055.

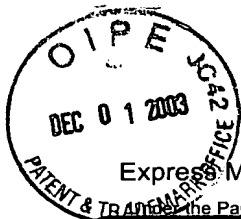
Respectfully submitted,



Sara D. Vinarov
Reg. No.: 48,524
Attorney for Applicants
QUARLES & BRADY LLP
P.O. Box 2113
Madison, WI 53701

TEL 608/251-5000
FAX 608/251-9166

QBMAD\367529.1



Express Mail No.

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,330.00

Complete if Known

Application Number	09/927,616
Filing Date	08/10/2001
First Named Inventor	Eric W. Triplett
Examiner Name	
Art Unit	1645
Attorney Docket No.	960296.97273

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

17-0055

Quarles & Brady LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20* =	X	0.00
Multiple Dependent	-3** =	X	0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) 1454 Petition			1330

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1,330.00

SUBMITTED BY

Name (Print/Type)	Sara D. Vinarov	Registration No. (Attorney/Agent)	48,524	Telephone	608/251-5000
Signature		Date	11/25/2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sara D. Vinarov, Reg. No. 48,524



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Eric W. Triplett
Thomas C. Herlache

Date: November 25, 2003

Serial No.: 09/927,616

Group Art Unit: 1645

Filed: August 10, 2001

Examiner:

Title: BIOLOGICAL CONTROL OF CROWN
GALL DISEASE

File: 960296.97273

PRELIMINARY AMENDMENT

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Amendment to the Specification

Please amend the above-identified application as follows:

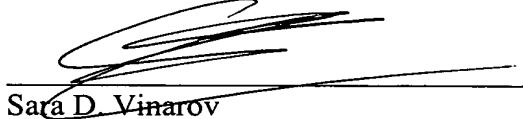
Page 1, please add the following paragraph after the heading entitled "CROSS-REFERENCE TO RELATED APPLICATIONS:"

--This application claims the benefit of U.S. Provisional Serial Application No. 60/224,929 filed August 11, 2000.—

REMARKS

If any fee is required in this or any subsequent response, please charge the fee to the Deposit Account No. 17-0055. No fee is believed to be due in connection with this Preliminary Amendment. However, if any fee is due in this or any subsequent response, please charge the fee to the same Deposit Account No. 17-0055.

Respectfully submitted,



Sara D. Vinarov

Reg. No.: 48,524

Attorney for Applicants

QUARLES & BRADY LLP

P.O. Box 2113

Madison, WI 53701

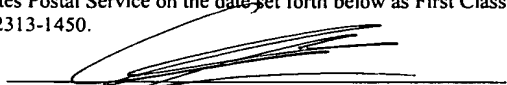
TEL 608/251-5000
FAX 608/251-9166

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Sara D. Vinarov, Reg. No. 48,524

PATENT
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Title: BIOLOGICAL CONTROL OF CROWN
GALL DISEASE

File: 960296.97273


STATEMENT UNDER 37 C.F.R. 1.78 (a)(6)(iii)

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully state herein that the entire delay between the date the claim was due, December 10, 2001, four months after the filing date of August 10, 2001 under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed, November 25, 2003 was unintentional.

Respectfully submitted,


Sara D. Vinarov
Reg. No.: 48,524
Attorney for Applicants
QUARLES & BRADY LLP
P.O. Box 2113
Madison, WI 53701

TEL 608/251-5000
FAX 608/251-9166

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